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Director

# Department of Pesticide Regulation



Gray Davis  
Governor  
Winston H. Hickox  
Secretary, California  
Environmental  
Protection Agency

## Enforcement/Compliance Action Summary (PR-ENF-046)

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**Date  
Established**

July 25, 2001

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**Enforcement  
Letter**

ENF 01-36

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**Distribution**

County agricultural commissioners

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**Referrals**

If you have any questions pertaining to this letter or enclosures, please contact your Senior Pesticide Use Specialist Liaison.

For questions relating to the Enforcement Tracking database, please contact Ms. Ada Ann Scott at (916) 445-4118.

Copies of the Summary form can be downloaded from the web at [cdpr.ca.gov/docs/enfcmpli/prenffrm/prenfmnu.htm](http://cdpr.ca.gov/docs/enfcmpli/prenffrm/prenfmnu.htm) or by submitting a requisition to Mr. Gil Garcia via e-mail at [ggarcia@cdpr.ca.gov](mailto:ggarcia@cdpr.ca.gov).

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**Approval**

*original signed by*

Scott T. Paulsen, Chief  
Enforcement Branch  
(916) 324-4100

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**Background**

This letter supercedes enforcement letters ENF 98-057 and ENF 98-062. The enclosed Enforcement/Compliance Action Summary (Summary) form was developed to capture information for the Enforcement Tracking database developed by the Department of Pesticide Regulation (DPR) headquarters staff in accordance with the legislative mandate. The revised form, instructions, routing instructions, and appendices are included to clarify procedures and improve consistency in reporting.

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***FLEX YOUR POWER!*** The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web site at [<www.cdpr.ca.gov>](http://www.cdpr.ca.gov).

# Enforcement/Compliance Action Summary (PR-ENF-046),

Continued

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## Introduction

DPR was mandated to enhance their efforts to track and effectively utilize information on enforcement and compliance actions within the state and subsequently developed the Enforcement Tracking database. The Summary form was developed for county agricultural commissioners (CACs) to submit pertinent information to DPR as required to meet the goals of this project.

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## Enforcement Tracking Database

Upon request, DPR will provide interested CACs a copy of the Enforcement Tracking database for their county, as well as training and a user's manual.

CACs will be able to query their individual county database using established queries or they may develop their own.

CACs will submit enforcement actions (**closed cases only**) and compliance actions to DPR headquarters monthly for uploading to the master database.

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## Enforcement Actions

Submission of enforcement actions may be made in the following ways:

1. Completed Summary form is forwarded (along with supporting documents) to the appropriate DPR regional office. A copy of the summary form will be forwarded to DPR headquarters for data entry.
2. CACs may enter data directly into the database for their respective county and electronically forward information (**closed cases only**) to DPR headquarters.

**Note: For Enforcement Actions.** Each DPR regional office must maintain a hard copy of each Summary form and the supporting documents, such as Notice of Proposed Action, Notice of Final Decision, Stipulation and Waiver to Order, or a letter acknowledging receipt of payment. CACs entering data directly will still be required to send hard copies of Summary forms and supporting documents to the appropriate DPR regional office.

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## Enforcement/Compliance Action Summary (PR-ENF-046),

Continued

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### Compliance Actions

Submission of compliance actions may be made in the following ways:

1. Complete Summary form for each compliance action (may check multiple compliance actions on one form provided they are for the same incident) and attach form(s) to Report 5. Send to DPR headquarters.
2. Attach copy of each compliance action (e.g. Violation Notice, Warning Letter) to Report 5; send to DPR headquarters. When submitting Violation Notices and Warning Letters please include all required information as indicated on the enclosed instructions.
3. Combinations of compliance actions and Summary forms may be attached to Report 5; send to DPR headquarters.

Mailing Address for DPR Headquarters:

Pam Burchard  
DPR/Enforcement Branch  
P.O. Box 4015  
Sacramento, California 95812-4015

4. CACs may enter data directly into their portion of the database, and electronically forward the information monthly to DPR headquarters.

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### Other Databases

CACs that utilize other databases and wish to submit Enforcement Actions electronically should contact DPR to obtain the record layout and data file specifications. CACs will be responsible for making the necessary modifications to and creating the electronic output file from their database.

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### Implementation Date

Effective August 1, 2001 the new Summary form (rev. 6/01) will be required. Please discard the previous Summary form. Enforcement actions submitted in July with the older Summary form may be updated with the newer version at a later date.

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## Enforcement/Compliance Action Summary (PR-ENF-046),

Continued

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### Highlights of Form Changes

#### Face Page of Summary form

- Addition of “unregistered” box for individual and business
- Addition of check box to distinguish “operator ID” from “restricted materials permit” numbers
- Addition of “category” field
- More emphasis on use of “comments” field

#### Back Page of Summary form

- Separation of “license category” section from “setting” section; additions to “setting” choices
- Name change from “occupation codes” to “employment/sector codes”; reworking of existing groups; addition of new groups.
- Expansion of the “activity” section; changed terms from nouns to verbs
- Separation of individual and business codes within “license/certificate codes” section; addition of more codes

#### Form Instructions

- More comprehensive

#### Routing Procedures

- Addresses use of Summary form; direct entry into database for CACs

#### Appendices

- Provide definitions/explanation for major sections on Summary back page

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## Enforcement/Compliance Action Summary (PR-ENF-046), Continued

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**Enclosures**      Enclosed are these documents:

Document Name	No. of Pages
Enforcement/Compliance Action Summary (PR-ENF-046)	2
Form Instructions	9
Routing Instructions	4
Appendix 1 – License Category Definitions	2
Appendix 2 – Setting Definitions	3
Appendix 3 – Employment/Sector Codes	1
Appendix 4 – Activity Definitions	3
Appendix 5 – License/Certificate Codes	2

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cc: Mr. Daniel J. Merkley, Agricultural Commissioner Liaison (w/Enclosures)  
Mr. Scott Paulsen (w/Enclosures)  
Mr. David Duncan (w/Enclosures)  
Ms. Ada Ann Scott (w/Enclosures)  
Ms. Kathleen Boyle (w/Enclosures)

**ENFORCEMENT/COMPLIANCE ACTION SUMMARY**  
**(PR-ENF-046, rev. 6/2001)**  
**Form Instructions**

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**Part A. ENFORCEMENT/COMPLIANCE ACTION TYPE AND STATUS**

*1. Dates and Case Identification Section*

**Date of Incident.** REQUIRED. Date that the incident or violation occurred. If an action is taken because of multiple incidents/violations that occurred over a period of time, specify the earliest incident date.

**Date of Action.** REQUIRED. Date that the compliance, administrative or judicial action was initiated or taken. Date the administrative Notice of Proposed Action (NOPA) was signed, date of submission to a District Attorney/Circuit Prosecutor, date a Violation Notice was signed, or date an inspection form, also serving as a Violation Notice, was signed.

**Date Closed.** Required when applicable. Refer to guidelines below:

*For administrative civil penalties:* **Case closure is not dependent on the fine being paid.** Date that the county agricultural commissioner (CAC) signs the Notice of Final Decision to the respondent, date that the respondent signed the Stipulation and Waiver, or date that the action is withdrawn by the CAC. Note\* Cases which were closed, without a hearing (such as a hearing “no show”, failure to respond to a NOPA) also require a written Notice of Final Decision. Use date CAC signed the Decision for closing date.

Payments sent to either the CAC or the Structural Pest Control Board (SPCB) without a signed stipulation and waiver should be acknowledged by **either a Notice of Final Decision or a letter acknowledging receipt of payment for the particular case.** Use the date of the Decision or acknowledgment letter as the closing date.

Another option is available for determining a closing date for structural cases in which the respondent mailed the signed Stipulation and Waiver (along with payment) to the SPCB rather than to the CAC. The SPCB periodically sends a memo entitled “Pesticide Fines” to CACs indicating the case, licensee, fine amount and closure date for which it received fine payments. The closure date on this memo may be used for “date closed” on the Summary form.

*For county registration, private applicator certification, or restricted materials permit suspension/revocation:* Leave blank. The date closed is the same as the final effective suspension or revocation date.

*For Referrals for State Action:* Date the case is referred by the commissioner to the specific state agency.

*For judicial actions:* Date the case is submitted to a District Attorney or Circuit Prosecutor.

*For compliance actions:* Date the compliance action is signed by the CAC or his/her staff.

**Suspended/Revoked Date.** Required when applicable. Effective date that a county registration, private applicator certificate or restricted materials permit was suspended or revoked.

**Case Sequence Number.** Required for all enforcement action types. May be any county assigned number, although sequential numbers are preferred for accounting purposes. This is a numeric field only; do not incorporate county names, letters, or special characters in this field. Do not re-assign or re-issue a case number during the same fiscal year.

**County Name.** REQUIRED. Provide full name of county taking action; not an abbreviation.

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2. *Action Type and Status Section.* REQUIRED. The Summary form may be used to report either a single enforcement action OR a group of compliance actions. If reporting an enforcement action (administrative and judicial actions, as well as referrals for state action), check only one action per form. If reporting a compliance action, you may combine compliance action types. For example, if a Violation Notice is routinely combined with a Cease and Desist Order for the same incident, both actions may be checked on the same form.

Administrative Action Type: check only one

**9 Administrative Civil Penalty (Agricultural).** When the action is proposed, check the Notice of Proposed Action box in the “Administrative Action Status” section. When the action is closed, check one of the four boxes indicating final determination in the “Administrative Action Status” box.

**9 Administrative Civil Penalty (Structural).** When the action is proposed, check the Notice of Proposed Action box in the “Administrative Action Status” section. When the action is closed, check one of the four boxes indicating final determination in the “Administrative Action Status” box.

**9 County Registration Suspended/Revoked.** Check when final, and indicate the effective date registration was suspended or revoked in the “Susp/Revok Date” field.

**9 Private Applicator Certificate Suspended/Revoked.** Check when final, and indicate the effective date the certificate was suspended or revoked in the “Susp/Revok Date” field.

**9 Restricted Materials Permit Suspended/Revoked.** Check when final, and indicate the effective date the permit was suspended or revoked in the “Susp/Revok Date” field.

**9 Referred for State Action.** Check one of the three boxes available.

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Judicial Actions:

**9 Notice to Appear (Citation)**

**9 Case Submitted to District Attorney/Circuit Prosecutor**

**9 Civil Complaint Filed (follow up to case submission).** Check and submit Summary forms that document the disposition of cases submitted to the DA or Circuit Prosecutor.

**9 Criminal Complaint Filed (follow up to case submission).** Check and submit closing Summaries to document the disposition of cases submitted to the DA or Circuit Prosecutor.

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Compliance Actions: May check multiple compliance actions on one form provided they are for the same incident

**9 Cease and Desist Order**

**9 Documented Compliance Interview**

**9 Warning Letter/Violation Notice (Notice of Violation)**

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### *3. Action Status and Reference Section*

Administrative Action Status. Required for all administrative actions. A separate Summary form is required for both the “opening” and “final determination” of a case. When submitting the initial information for a case, check the “NOPA” box. Once the case is closed, check only one of the four boxes under “final determination”.

Opening:

**9 Notice of Proposed Action (NOPA).** When the action is proposed, check the Notice of Proposed Action box in the “Administrative Action Status” section. Submit copy of the NOPA with Pesticide Enforcement/Compliance Action Summary form to the local DPR Regional Office.



Final Determination:

When the action is closed, check one of the four boxes indicating final determination as provided in the “Administrative Action Status” section.

**9 Signed Stipulation (& Waiver).** Submit a copy of this document along with the Pesticide Enforcement/Compliance Action Summary form to the local DPR Regional Office.

**9 Withdrawn by CAC.** If the Notice of Proposed Action was sent to Respondent and then withdrawn, **do not re-issue or re-assign the case number** within the same fiscal year.

**9 Closed After Hearing.** Check if action is closed and Final Decision is signed. Submit copy of Final Decision with Pesticide Enforcement/Compliance Action Summary form to local DPR regional office

**9 Closed, No Hearing.** Check if action is closed without Signed Stipulation and Waiver, no show to a hearing, etc. Submit copy of signed Final Decision or letter to Respondent acknowledging case was closed to local DPR regional office.

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Action Reference. REQUIRED if the action is taken as a result of a formal investigation or episode case. Record the case reference number in one of the following fields:

**DPR Priority Investigation #**

**Worker Health and Safety (WHS) Case #**

**District Attorney/Prosecutor Case #.** If this number is not known upon submission, assign your own for tracking purposes. Other numbers assigned to the case may be cross referenced later, using the “follow up” section under Judicial Action and “other case # ” under this section.

**Other Case # or Inspection Date.** Use this field to record other related tracking numbers to the incident/case. For example a Violation Notice number, a complaint or illness case number (assigned by county or other agency), or a DA case number for a civil/criminal complaint. Inspection dates may be listed, if there are no tracking numbers.

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## **Part B. ACTION DETAIL**

### *1. Law and Regulation Code Section:*

**Section(s) Cited.** Required for all compliance and enforcement actions. Cite only statute or regulation sections authorized under the Food and Agricultural Code and/or Business and Professions Code. Record each section/subsection on a separate line. If you cite a section more than once with a different subsection, record each citation on a separate line.

Attach additional pages as necessary. Do NOT list sections for which there is no fine levied or suspension imposed.

**Cont. box.** Check this box if you need to continue listing items in the Section(s) Cited field. Use another Pesticide Enforcement / Compliance Action Summary form to continue.

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2. *Penalties - Proposed, Modified, Dismissed.* Required for administrative actions only.

**Proposed Fine (\$).** Indicate the proposed dollar fine amount for each section cited.

**Proposed Suspension (days).** Indicate the proposed duration of a suspension in days.

**Modified Fine (\$).** If the fine was modified after hearing, indicate the modified dollar amount.

**Modified Suspension (days).** If the suspension duration was modified after hearing, indicate the modified number of days.

**Dismissed.** Check for each dismissed section cited

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## Part C. INDIVIDUAL/BUSINESS INFORMATION

This section may be used to record both the individual and business associated with an incident (e.g. employee and employer), and clarify which entity (i.e. Respondent) is being cited in the action.

1. *Identity Section.* REQUIRED. Cite only one respondent per form

**Respondent:** If the respondent is an individual, check “**IND**”. If the respondent is a business or organization, check “**BUS**”. If multiple individuals, or a business and an individual are being cited as the result of the same incident/violation, use separate forms for each.

2. *Individual Information:* If an individual is cited, you may also record information about the employer, business or organization in the Business/Organization Name field.

**Last Name .** Required if the respondent is an individual. Record the last name exactly as it appears on the state issued license or certificate.

**First Name .** Required if the respondent is an individual. Record the first name exactly as it appears on the state issued license or certificate.

**Middle Initial (M.I.).** Required if respondent is an individual and the information is available.

**License Code.** Required if the respondent is an individual. Record one of the individual license/certificate codes listed on the back of PR-ENF-046 (rev. 6/2001), and fill in the license number in the designated field.

If the respondent is a restricted materials permittee use the code “**RMP**”, leave the “individual license number” field blank, and record respondent’s private applicator certificate number in the appropriate field. *This applies whether pesticide is restricted or non-restricted.*

If the individual cited has an operator identification number, use the code “**OID**”, leave “individual license number” field blank, and record the operator ID number in the designated field.

For all other cases involving a respondent who holds a private applicator certificate, but is not a restricted materials permittee, use the “**PAC**” code. Include respondent’s PAC number in the appropriate field.

Use code “**NR**” if a license or certificate is not required. Use code “**UNL**” if the individual is required to possess a license or certificate but does not. In either of the above cases leave the “individual license number” field blank.

**License Number.** Required if the respondent is an individual. Record the number exactly as it appears on the state issued license or certificate. If the individual cited has a Private Applicator Certificate do NOT record it in this field; use the “Respondent’s Private Applicator Certificate Number” field instead. Leave this field blank if “UNL” or “NR” was recorded in the License Code field.

**Registration Status.** Required when applicable. Only certain individual license types require county registration. Check the box for that individual who was NOT registered, as required by law, at the time of the incident.

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3. *Business/Organization Information:* If a business or organization is cited because of the violation(s) of an employee, you may also record information about that employee in the Individual section, beginning with the “Last Name” field.

**Business/Organization Name.** Required if the respondent cited is a business (includes farming operations) or organization (e.g. school district). If the business/organization is licensed, the name should be recorded exactly as it appears on the state issued license or certificate.

**License Code.** REQUIRED. Record one of the business license codes listed on the back of PR-ENF-046 (rev. 6/2001), and fill in the license number in the designated field.

If the respondent has a restricted materials permit use the code “**RMP**”, leave the “business license number” field blank, and record the private applicator certificate number of the individual permittee in the appropriate field. *This applies whether pesticide is restricted or non-restricted.*

If the business cited has an operator identification number, use the code “**OID**”, leave “business license number” field blank, and record the operator ID number in the designated field.

Use the code “**NR**” if a license is not required. Use code “**UNL**” if the business is required to possess a license but does not.

**License Number.** Required if the respondent is a business. Record the number exactly as it appears on the state issued license or certificate. For DPR issued business licenses, record the 10-digit number printed on the business license, including placeholders. For example, business headquarters may be 12345-00000; a branch location may be 12345-00001. Leave this field blank if “UNL” or “NR” was recorded in the License Code field.

If the individual cited has a Private Applicator Certificate do NOT record it in this field; use the “Respondent’s Private Applicator Certificate Number” field instead.

**Registration Status.** Required when applicable. Only certain business license types require county registration. Check the box for any business, which was not registered, as required by law, at the time of the incident.

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#### 4. *Other Information:*

**Employment/Sector Code of Respondent.** REQUIRED. Record the applicable Employment/Sector Code listed on the back of PR-ENF-046 (rev. 6/2001). The analysis of compliance trends in different employment sectors can be used to improve the outreach and training efforts of the state/county enforcement program.

**Structural Pest Control Branch (SPCB).** Required if the respondent is a SPCB licensee, (individual or business). Record the applicable SPCB Branch code listed on the back of PR-ENF-046 (rev. 6/2001). Consider the activity that occurred at the time of the non-compliance when choosing the Branch code.

**Operator ID / Restricted Materials Permit Number.** Required if respondent has either an Op ID or Permit number. Check the appropriate box and record the number. *Completion of this section is not related to whether an incident involved a restricted or non-restricted material.*

Note\* For tracking purposes, if a respondent has both an Op ID and a Permit Number, check the box indicating Restricted Materials Permit #.

**Private Applicator Certificate Number.** Required if respondent has one. Use this field to record the PAC number of the permittee for the business when the business license code is recorded as “RMP”. *This applies whether pesticide is restricted or non-restricted.*

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## Part D. ACTIVITY / INCIDENT INFORMATION

### 1. Pesticide Product Information Section:

**Pesticide Product Name(s).** The product name(s) as it appears on the label. Required if specific pesticide(s) are involved in an enforcement or compliance action. Record “**Unknown**”, if applicable.

**Product Registration Number(s)** U.S. EPA or California registration number of the pesticide product(s). Required if specific pesticides are involved in an enforcement or compliance action.

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### 2. Incident Information: The analysis of the fields below associated with compliance trends can be used to improve the outreach and training efforts of the state/county enforcement program.

**Category.** REQUIRED for QAL/QAC and Ag PCB licensees. Record the category (from those listed on the back of PR-ENF-046 (rev. 6/2001) applicable at the time of the incident/violation. Use “No Category” for licensees working outside the scope of their categories. List the category the licensee should have had in the “comments” field.

Also REQUIRED for PCAs. Space limitations prevented the listing of PCA categories. Record the category applicable at the time of the incident/violation in the “category” field. Use “No Category” for PCAs working outside the scope of their categories. List the category the PCA should have had in the “comments” field.

**Setting.** REQUIRED. Physical setting in which the incident/violation occurred. Record the applicable setting listed on the back of PR-ENF-046 (rev. 6/2001). If an appropriate term is not listed record “other” in the “setting” field, and provide the appropriate term in the “comments” field.

**Activity.** REQUIRED. Activity that was performed (or should have been) by the Respondent (or his/her employee) at the time of the incident/violation. Record the applicable Activity listed on the back of PR-ENF-046 (rev. 6/2001). If an appropriate term is not listed record “other” in the “setting” field, and provide the appropriate term in the “comments” field.

**Comment on Category/Setting/Activity.** Use this field to provide the requested information above. You may also use this field to provide further explanation for various fields, or to provide additional information about the incident/violation(s).

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3. *Contact Information Section:*

**County Contact.** REQUIRED. Name of county person who completed the form (please print).

**Telephone.** REQUIRED. Area code and telephone number of county contact.

**ENFORCEMENT/COMPLIANCE ACTION SUMMARY**  
**(PR-ENF-046, rev. 6/2001)**

**Routing Procedures**

**Note\*** These routing procedures replace those identified in Pesticide Enforcement Letter 98-062.

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**Enforcement Actions – Administrative Civil Penalties (Agricultural and Structural)**

When considering violations for administrative civil penalty action, County Agricultural Commissioners (CACs) are to review key points of each case (e.g. elements of the violation, evidence, and citable sections) with their Department of Pesticide Regulation (DPR) Enforcement Branch regional office liaison.

CACs will continue to collaborate with regional office staff prior to sending a Notice of Proposed Action (NOPA) to the respondent. As these administrative civil penalty actions are noticed and finalized, CACs will forward the Enforcement/Compliance Action Summary (PR-ENF-046, Rev. 6/2001) and related documents by mail or facsimile (fax) to the regional office. The regional offices will forward Summary forms to headquarters for data entry.

Each DPR regional office is required to maintain hard copy files of all administrative actions for counties within its region. Thus, CACs must send a Summary form and NOPA at the opening of each case, and a Summary form and final determination (Decision, signed Stipulation and Waiver to Order, or acknowledgement letter) at the close of each case to the appropriate DPR regional office.

*Note\**

*Once the Enforcement Tracking database is completed (updated for data integration with the revised Summary form, those CACs interested will receive a copy of the Enforcement Tracking database for their respective county in which data may be directly entered. CACs will be able to query their individual county database. CACs will submit this data (**closed cases only**) to DPR headquarters on a periodic basis. However, hard copy files (as noted in the paragraph above), will still need to be sent to the appropriate DPR regional office.*

CACs **are not required** to submit any documents related to administrative civil penalties (agricultural or structural) to DPR's Enforcement Branch Sacramento Headquarters Office.

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Regional office and CAC staffs will process administrative civil penalty actions according to the following procedures:

**CAC Responsibilities:**

1. ***Consult with DPR's regional office staff.*** The commissioner's staff will consult with the regional office liaison on all "moderate" and "serious" violations being considered for administrative civil penalty action (agricultural and structural).
2. ***CACs are to assign case numbers for all administrative civil penalty actions (agricultural and structural).***

The case number may be any county assigned number, although sequential numbers are preferred for Administrative Civil Penalties. This is a numeric field only; do NOT incorporate county names or special characters.

3. ***Submit the draft Notice of Proposed Action (NOPA) for both agricultural and structural cases by mail, fax, or email to DPR's regional office staff for review.***

Draft NOPAs for "serious" and "moderate" violations are to be submitted to the appropriate DPR regional office. DPR staff are to review each NOPA and notify the CAC of changes or recommendations for "serious" violations within two (2) business days; for "moderate" violations within three (3) business days.

4. ***Submit all finalized NOPAs by mail or fax to the appropriate regional office with the Enforcement/Compliance Action Summary, concurrent with sending the notice to the respondent. Emailed copies of the Summary form, and finalized NOPA will be accepted provided an electronic signature of CAC, or CAC representative is included on the NOPA.***

For administrative civil penalties (agricultural and structural), the CAC must send a copy of the signed NOPA and Summary form to the appropriate regional office, concurrent with the notice to the person charged.

5. ***Submit the final determination (e.g. Notice of Final Decision, signed Stipulation and Waiver to Order, or letter to respondent acknowledging receipt of payment for case) with the Enforcement/Compliance Action Summary to the appropriate regional office. Emailed copies of the Summary form, and final determination will be accepted provided an electronic signature of CAC, or CAC's representative is included on the final determination document. (Stipulation and Waiver to Order must be signed by Respondent).***

Final documents along with the Summary form are forwarded by mail or fax to the appropriate regional office for review, filing, and submission to Sacramento headquarters for data entry.



### **Regional Office Responsibilities:**

1. ***Consult with the CAC.*** The regional office liaison or staff consults with the CAC's staff on all "serious" and "moderate" violations considered for administrative civil penalty action.
2. ***Submit all administrative "serious" level NOPAs to other Regional Office Supervisors for review.*** Local regional office supervisor consults with other regional office supervisors for review on all "serious" level NOPAs. Local regional office staff notifies the CAC of any changes or recommendations within two (2) business days.
3. ***Review all "moderate" administrative civil penalty NOPAs.*** Regional office staff review draft NOPAs and notify the CAC of any changes or recommendations within three (3) business days.
4. ***Review final Enforcement/Compliance Action Summary for proper completion.*** The regional office liaison or staff reviews each final or "closed" summary for completeness and accuracy. Forms that are incomplete or have inaccurate information will be returned to CAC for correction. Electronically submitted forms that are incomplete or inaccurate will be returned from headquarters and the appropriate regional office staff notified.
5. ***Forward the final Summary forms to DPR Sacramento Headquarters.*** After review, regional office staff forwards each "final" Summary immediately to DPR headquarters for data entry.
6. ***Maintain individual administrative (agricultural and structural) civil penalty files.*** Each regional office maintains files containing documents (forms and related administrative civil penalty NOPAs, Final Decisions, signed Stipulation and Waivers, or acknowledgement letters)
7. ***Notify CAC of Appeals.*** When an administrative civil penalty Notice of Final Decision (NOFD) is appealed to the Director of DPR or to the Disciplinary Review Committee, DPR contacts the CAC for case information. The CAC sends case information to DPR's Legal Office. DPR headquarters' staff notifies the appropriate regional office when an appeal is filed and forward copies of the Director's Decision of Appeal to the CAC.

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### **Administrative Actions – All Other**

For all other administrative actions (suspensions/revocations) and judicial actions, CACs are required to complete and submit the Enforcement/Compliance Action Summary form with Report 5 to:

Pam Burchard  
Enforcement Branch  
P.O. Box 4015  
Sacramento, California 95812 – 4015

**Do not submit** these enforcement actions to the regional offices.

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## **Compliance Actions – All**

A CAC has the option of completing a Enforcement/Compliance Action Summary form for all compliance actions and attaching the form(s) to Report 5, or he/she may submit a copy of each compliance action. It is acceptable to submit these compliance actions in combination, i.e. hard copy and forms. Please submit all compliance actions (forms or copy) with Report 5 to:

Pam Burchard, at the address above.

**Do not submit** compliance actions to the regional offices.

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### **Enforcement/Compliance Action Review:**

CACs that do not have a copy of the DPR Enforcement Tracking database for their county will be provided a computer printout of their enforcement actions on a periodic basis for review purposes.

CACs that have a copy of their county's portion of the Enforcement Tracking database will be able to use established queries, or develop their own queries of the database. Corrections can be sent **on hard copy** to DPR headquarters to update the master database.

Each DPR Regional Office will have access to the Enforcement Tracking database to review Enforcement/Compliance Actions for the counties within their region.

## APPENDIX 1

### LICENSE CATEGORY DEFINITIONS

#### SELECTION OF LICENSE CATEGORY:

The license categories listed below pertain only to individuals and businesses that apply pesticides and are licensed by the Department of Pesticide Regulation (DPR). This group was selected for data tracking purposes; structural applicators are tracked separately. Since individuals and businesses may have more than one category choose the license category that was applicable for the situation in which the pesticide use or pesticide use related activities occurred.

If the individual or business did not possess the proper category for the given use, record “No Category” in the category field, and list the category that the licensee should have had in the “comments” field.

Note\* Space restrictions prevented the listing of Pest Control Advisor (PCA) license categories on the back of the form, and on these pages. If a PCA was found to be working outside of his/her category, record “No Category” in the category field, and list the category he/she should have had in the “comments” field.

**ANIMAL AGRICULTURE:** Animals and the facilities in which animals are confined.

**AQUATIC:** Control of pests in or on standing or running water.

**DEMONSTRATION AND RESEARCH:** The use of any pesticide, or certain substances, methods, or devices when demonstrating proper application techniques or conducting field research.

**FOREST:** Forest, forest nurseries, and forest seed-producing areas.

**HEALTH RELATED:** Use of certain substances, methods, or devices in official programs for the management and control of pests having medical and public health importance. Examples include mosquito abatement pest control activities, and CDFA quarantine programs such as Red Imported Fire Ant treatments.

**INDUSTRIAL:** Control of pests for or in a manufacturing, mining, or chemical process, or use in the operation of factories, processing plants, and similar sites. Includes packing plants, food manufacturing plants, warehouses, and grain elevators. Also includes treatment of ag. commodities, either stored or post harvest, and treatment of non-landscaped outdoor areas related to the operation of the buildings or facilities (e.g. storage yards, tank farms). Includes bird control on these types of structures.

## **APPENDIX 1 (continued)**

### **LICENSE CATEGORY DEFINITIONS**

**INSTITUTIONAL:** Control of pests within the confines of, or on property necessary for the operation of buildings such as hospitals, libraries, auditoriums, and office complexes. Includes non-landscaped outdoor areas related to the operation of the buildings or facilities (e.g. storage yards). Includes bird control on these types of structures.

**LANDSCAPE MAINTENANCE:** Control of pests in natural or planted ornamental and turf landscaped areas and outside areas around buildings; orchards; vacant lots; greenbelts; cemeteries; landscaped street medians; parking lots directly related to landscape areas, and landscaped areas in enclosed shopping malls and indoor plants.

**PLANT AGRICULTURE:** Control of pests in the production of food, feed, fiber or ornamental crops, as well as on grasslands, and non-crop agricultural areas, for hire. Applications to rice and similar crops grown in wet or flooded fields are included.

**REGULATORY:** Use of any pesticide, certain substances, methods or devices in official government programs for the control of regulated pests.

**RESIDENTIAL:** Use of a pesticide in or around a household, structure, or its immediate environment.

**RIGHT OF WAY:** Control of pests in the maintenance of landscaped right-of-way areas, roads, highways, power lines, telephone lines, pipelines, canals, railroads or other similar sites.

**SEED TREATMENT:** Use of any pesticide, certain substances, methods or devices to protect seed for planting, for hire.

**SEWER LINE ROOT CONTROL:** Use of any pesticide, certain substances, methods or devices to control roots in sewer lines.

**WOOD PRESERVATION:** Use of any pesticide, certain substances, methods or devices to control pests that damage wood, for hire. This category applies within the scope of category A (residential, industrial, institutional), and category C (right-of-way).

## APPENDIX 2

### SETTING DEFINITIONS

#### **SELECTION OF SETTING:**

Choose the setting that best conveys the situation in which pesticide use or pesticide use related activities occurred, (or should have). For example, if non-compliance was noted for failure to maintain training records, or other required documents, choose the Headquarters/Office setting.

A number of license category terms have been listed as settings because of their descriptive nature. If the setting is not adequately conveyed with the terms listed below, record “other” in the setting box and describe the setting in the “comments” field.

**AQUATIC:** Sites with standing or running water.

**FARM:** Settings, other than greenhouses, nurseries or forests in which agricultural plants are produced outdoors. Includes orchards, groves, vineyards, ranches, grasslands and wet or flooded fields in which rice and similar crops are grown

**FOREST:** Forest, forest nurseries, and forest seed-producing areas.

**GOLF COURSE:** A large tract of landscaped turf area and trees laid out for golf. Includes par courses, and driving ranges.

**GREENHOUSE:** An enclosed structure or space used in the commercial or research production of an agricultural plant commodity. Term includes polyhouses, mushroom houses, rhubarb houses and similar structures.

**HEADQUARTERS/OFFICE:** A principle place or establishment for the primary purpose of conducting and operating a business.

**HOME USE:** This setting is solely for incidents/violations in which pesticides were applied to a household, structure or its immediate environment (interior or exterior) by an owner, occupant, tenant, etc.

Note\* For tracking purposes incidents/violations involving “for hire” applications, or licensed/certified applicators are to use “Residential” as a setting.

## **APPENDIX 2 (continued)**

### **SETTING DEFINITIONS**

**INDUSTRIAL:** Establishments in which manufacturing, mining, or chemical processing occurs or factories, processing plants, and similar sites. Includes packing plants, food manufacturing plants, warehouses, and grain elevators. Also includes non-landscaped outdoor areas related to the operation of the buildings or facilities (e.g. storage yards, tank farms).

**INSTITUTIONAL:** Establishments (interior and exterior), such as hospitals, libraries, auditoriums, and office complexes. Includes non-landscaped outdoor areas related to the operation of the buildings or facilities (e.g. storage or equipment yards)

Note\* For tracking purposes, use the “school” setting for pesticide incidents in or around schools; see definition.

**LANDSCAPE MAINTENANCE:** Natural or planted ornamental and turf landscaped areas and outside areas around buildings; orchards; vacant lots; greenbelts; cemeteries; landscaped street medians; parking lots directly related to landscaped areas, and landscaped areas in enclosed shopping malls and indoor plants.

**NURSERY:** Any facility or operation engaged in the outdoor commercial or research production of cut flowers or ornamental cut greens or any plants that will be used in their entirety in another location.

**RECREATIONAL:** Areas established for sports, play or hobbies, such as lakes, playgrounds, reservoirs, parks, and playing fields.

Note\* For tracking purposes, if a school playground or playing fields also serve as a community park or recreation area, use the “school” setting.

**REGULATORY:** Use this setting for incidents/violations related to official government programs for the control of regulated pests. Examples include treatments for quarantined fruit fly outbreaks, glassy winged sharpshooter, and gypsy moth.

**RESIDENTIAL:** A household, structure, or its immediate environment (interior or exterior). Use this setting to denote pesticide incidents/violations involving “for hire” applications or involving “licensed or certified” applicators.

**RESEARCH:** The use of any pesticide, or certain substances, methods, or devices to demonstrate proper application techniques or conduct field research.

## **APPENDIX 2 (continued)**

### **SETTING DEFINITIONS**

**RIGHT OF WAY:** Use this setting for incidents/violations involving the maintenance of landscaped right-of-way areas, roads, highways, power lines, telephone lines, pipelines, canals, railroads or other similar sites.

**PUBLIC HEALTH:** Use this setting for incidents/violations involving official programs for the management and control of pests having medical and public health importance. Examples include mosquito abatement pest control activities, and CDFA quarantine programs such as Red Imported Fire Ant treatments.

**SCHOOL:** Areas designated as a school site including, school buildings (interior or exterior), structures, playgrounds, athletic fields, school vehicles or any other area of school property that students visit or use.

**STORAGE:** A secured place, location, and/or locked container in which pesticides are kept for safekeeping

**OTHER:** If an appropriate term is not available from the above, record “*other*” in the “setting” box, and list the word(s) that best describe(s) the setting in the “comments” field.

## **APPENDIX 3**

### **EMPLOYMENT/SECTOR CODES**

#### **SELECTION OF EMPLOYMENT/SECTOR CODE:**

These codes have been revised to provide a few select categories of employment groups or sectors that pesticide users would typically be associated with. Choose the category that best represents that of the respondent.

**COMMERCIAL:** This category covers pesticide use “for hire”; farm labor contractors have been included since they also work “for hire”, though they do not apply pesticides. Included in this group are operations of Farm Labor Contractors, Maintenance Gardener Businesses, Pest Control Businesses (encompassing Dealers, Brokers, Advisors, Ag. Pest Control Operators), and Structural Pest Control Businesses.

**GOVERNMENT AGENCIES:** This category applies to any agency, board, district, department, or association at all levels of government – city, county, regional, state and federal.

**GROWER:** Included in this category is any operation involved in the production or research of an agricultural commodity regardless of whether an operator identification number or restricted materials permit is possessed.

**HOMEOWNER:** This category covers residential users of pesticides including homeowners, renters, homeowner association representatives, and property managers.

**PRIVATE SECTOR:** This category is to be used for pesticide users who don’t fall into the other categories. This is a broad grouping, which includes, but is not limited to: employees of restaurants, hotels, motels, golf courses, and cemeteries.

Note\* For tracking purposes golf courses, and cemeteries that are owned or operated by a municipality (i.e. town, city, county) must be designated “government agency”, rather than “private sector”.

**SCHOOL:** This category was specifically established to track pesticide users employed by school districts or associations. This category should not be cited for agricultural or structural pest control companies applying pesticides to school sites.



## APPENDIX 4

### ACTIVITY DEFINITIONS

#### **SELECTION OF ACTIVITY:**

Choose the activity that best conveys what was happening at the time of pesticide use or pesticide use related activity (or should have happened). For example, the activity to record for failure to document training would be “record keeping”; for failure to follow TRAP regulations would be “aerating”.

Note\* If the activity is not adequately conveyed with the terms listed below, record “other” in the activity field and describe the activity in the “comments” field.

**ADVISING:** Giving instructions or advice on any agricultural use as to any particular application on any particular piece of property; holding oneself forth as an authority on any agricultural use; or soliciting services or sales of pesticides for any agricultural use.

**AERATING:** Adjusting, opening, repairing, or removing treatment site coverings, (e.g. plastic sheeting, tarpaulins, doors or barriers) used in field, structural or commodity fumigations. Includes opening of doors, windows; use of fans, to facilitate in aeration process.

**APPLYING:** Applying materials for the control of pests, including such activities as spraying, drenching, injecting, incorporating, surface application, band treatment, side dressing, broadcasting, soil blending, and fumigating. Also includes assisting with the above activities, as well as, entering a treated area during any application, or before the PEL has been reached or a greenhouse ventilation criterion has been met. Do not include flagging or activities related to flagging, since it has its own category.

Note\* For tracking purposes use:

- 1) “*chemigating*” for applications done through irrigation systems
- 2) “*disinfecting*” for application activities related to the use of anti-microbials.
- 3) “*fumigating*” for application activities related to commodity, field, and structural fumigations.

**CHEMIGATING:** For tracking purposes use this term for pesticides applications made through irrigation systems, including but not limited to: sprinklers, furrows, drip systems, and subsurface drip.

## **APPENDIX 4 (continued)**

### **ACTIVITY DEFINITIONS**

**DISINFECTING:** Applying materials for purposes of disinfecting, sanitizing, or otherwise controlling pests, particularly microbial pests such as mildews, molds, algae, fungi, viruses, and bacteria by application methods including mopping, wiping, spraying, drenching and laundering. Separated from “applying” for tracking purposes.

**DISPOSING:** Disposing of pesticides, rinse solutions, emptied containers or parts thereof, or equipment that holds or has held a pesticide; or emptying containers or pesticide equipment that held pesticides or pesticide/rinse solutions.

**FIELDWORKER ACTIVITIES:** Any cultural activity performed by hand or with hand tools that cause substantial contact with surfaces that may have pesticide residues. Activities include, but are not limited to: harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field.

**FLAGGING:** Assisting with aerial applications, or ground applications (e.g. orchard blasters).

**FUMIGATING:** Application activities related to commodity, field and structural fumigations. Separated from “applying” for tracking purposes.

**IRRIGATING:** Placing, moving, or repairing irrigation equipment. Do NOT include pesticide applications made through irrigation systems; use “chemigating” for those situations.

**LICENSING:** The act of obtaining a license or certificate from the Department of Pesticide Regulation, the Structural Pest Control Board, or the Department of Health Services (for Farm Labor Contractors & Vector Control Technicians) to conduct pest control for hire, or to supervise the use of or apply restricted materials.

**MAINTAINING EQUIPMENT:** Maintaining, servicing, repairing, cleaning, or handling equipment used in pesticide use activities, such as mixing/loading or applying, that may contain pesticide residue.

**MIXING/LOADING:** Mixing pesticides, adjuvants or other materials with water, oil, fertilizers or other substances for the purpose of applying. Loading pesticides or other substances intended for pesticidal purposes into spray equipment or devices. Rinsing of pesticide containers, and/or spray equipment.

**PROCESSING/PACKING:** Cleaning, sorting, packing, or processing agricultural commodities in a warehouse, packing shed or processing plant; not in the field.

## **APPENDIX 4 (continued)**

### **ACTIVITY DEFINITIONS**

**RECORD KEEPING:** Logging, filing, recording, maintaining, submitting, or displaying documents or records related to pesticide use or pesticide use activities.

**REGISTERING:** The act of enrolling with the County Agricultural Commissioner's Office as a licensee conducting business within that given county (includes Farm Labor Contractors).

**STORING:** Placing of pesticide(s), pesticide container(s), or equipment used for pesticide activities in an enclosure, designated area or other location that is locked or attended.

**TRANSPORTING:** Delivering, moving, transferring, or conveying pesticide(s) or pesticide container(s) from one place to another.

**OTHER:** If an appropriate term is not available from the above, record "*other*" in the activity field, and list the word(s) that best describe the activity in the "comments" field.

## APPENDIX 5

### LICENSE/CERTIFICATE CODES

#### SELECTION OF LICENSE/CERTIFICATE CODE:

Choose the code that best represents the respondent being cited. Choose only one, either an individual code or a business code. A check box is provided on the form to indicate whether an individual or business was “unregistered” at the time of the incident.

#### INDIVIDUAL CODES

##### State Issued:

The state issued licenses and certificates are self-explanatory. Information about DPR issued licenses/certificates can be found at <[www.cdpr.ca.gov](http://www.cdpr.ca.gov)> under licensing. Information about structural licenses can be found at <[www.dca.ca.gov/pestboard](http://www.dca.ca.gov/pestboard)> under regulations. General information about vector control can be found at <[www.mosquitoes.org](http://www.mosquitoes.org)>.

##### County Issued:

Three county issued documents have been included: operator identification (**OID**), private applicator certificate (**PAC**), and restricted materials permit (**RMP**). While in most cases OIDs and RMPs are issued to business entities, they can be issued to individuals. For example, a homeowner may obtain a RMP for aluminum phosphide, or 2,4-D. For tracking purposes, when the respondent cited is an individual include the OID or RMP code when applicable. When applicable, record the respondent’s PAC number in the appropriate field.

For all other cases involving a respondent who holds a private applicator certificate, but is not a restricted materials permittee, use the “**PAC**” code. Include respondent’s PAC number in the appropriate field.

##### Status Codes:

Three codes have been established to capture the licensing status of licensees/certificate holders.

There may be cases in which an individual is cited, though no license or certificate was required. Use the “**NR**” (not required) code in the license field in these instances. Individuals may be cited for being unlicensed (“**UNL**”) or uncertified (“**UNC**”); record the appropriate designation in the license field.

## APPENDIX 5 (continued)

### LICENSE/CERTIFICATE CODES

#### BUSINESS CODES

##### State Issued:

The state issued licenses and certificates are self-explanatory. Information about DPR issued licenses/certificates can be found at <[www.cdpr.ca.gov](http://www.cdpr.ca.gov)> under licensing. Information about structural licenses can be found at <[www.dca.ca.gov/pestboard](http://www.dca.ca.gov/pestboard)> under regulations. Information about farm labor contractors can be found at <<http://are.berkeley.edu/APMP/pubs/flc/farmlabor.html>>.

##### County Issued:

Three county issued documents have been included: operator identification (**OID**), private applicator certificate (**PAC**), and restricted materials permit (**RMP**). For tracking purposes, when the respondent cited is a business include the OID or RMP code when applicable. Include the PAC number of the permittee if RMP was recorded in the license field.

For all other cases involving a respondent who holds a private applicator certificate, but is not a restricted materials permittee, use the “**PAC**” code. Include respondent’s PAC number in the appropriate field.

##### Status Codes:

Two codes have been established to capture the licensing status of licensees/certificate holders.

There may be cases in which a business is cited, though no license or certificate was required, such as a grower using a non-restricted material. Use the “**NR**” code in the license field in these instances. Unlicensed is self-explanatory; use the “**UNL**” code. Uncertified (“**UNC**”) does not apply to business entities.